

Serial No. 10/606,553

REMARKS

The Office action dated December 13, 2005 and the cited references have been carefully considered.

Status of the Claims

Claims 1-21 are pending. Claims 1-8 and 19-21 are withdrawn. Therefore claims 9-18 remain in the current prosecution.

Claims 13 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, claim 13 allegedly fails to further limit the structure of the device. Claim 13 is amended to recite the relation between the diameter of the recess in the holder and the diameter of the IOL blank.

Claims 9-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Freed et al. (U.S. Patent 6,048,353; hereinafter "Freed"). Claims 12-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Freed. The Applicants respectfully traverse these rejections for the reasons set forth below.

Claim Rejection Under 35 U.S.C. § 102

Claims 9-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Freed. The Applicants respectfully traverse this rejection because Freed does not disclose each and every element of each of claims 9-11.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "Every element of the claimed invention must be *literally* present, arranged as in the claim. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

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Freed discloses only a device wherein the flexible material is stretched over a frusto-conical surface and a cutting implement that is lowered over the stretched material.

In contradistinction, claims 9 and all claims dependent therefrom recite a cutting edge being disposed in a holder and being movable through a recess formed therein and an IOL blank being receivable in the recess. Therefore, Freed does not disclose each and every limitation of each of claims 9-11.

Since Freed does not disclose each and every limitation of claims 9-11, Freed does not anticipate these claims and all claims dependent therefrom.

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 12-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Freed. The Applicants respectfully traverse this rejection because Freed does not teach or suggest all of the limitations of claims 12-18.

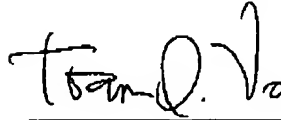
"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." M.P.E.P. § 2143.03 (8th ed., Rev. 4, August 2005).

As pointed out above, Freed does not disclose, teach, or suggest a cutting edge being disposed in a holder and being movable through a recess formed therein and an IOL blank being receivable in the recess. Therefore, Freed does not teach or suggest all of the claim limitations. Consequently, Freed does not render claims 12-18 obvious.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of the claims at an early date is solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Toan P. Vo', written over a horizontal line.

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March 13, 2006